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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,884	09/18/2001	Brian John Cragun	ROC920010069US1	8260

7590 03/01/2004

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EXAMINER
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AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/954,884

Applicant(s)

CRAGUN ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1- 28, and 30-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1- 28, and 30-40 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

Claim Status: 1- 28, and 30-40 are rejected. Claim 9 canceled.

Applicant's arguments filed 2/9/04 have been fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Wical (US Patent No. 5,953,718).

1. Regarding Claims 1, 10, 18, 26,28, and 35, Wical discloses a method for searching electronic documents, comprising:

receiving a search expression including one or more search terms having one or more weight criteria, wherein the one or more weight criteria include a user designated score modifier (see column 5, lines 19-32, Wical);

finding one or more candidate documents based on the search expression (see column 4, lines 56-66, Wical);

calculating a score for each candidate document according to the one or more weight criteria (see column 6, lines 4-21, Wical); and

preparing a list of the one or more candidate documents reflecting the calculated scores (see column 6, lines 32-42, Wical).

2. Regarding Claims 2, 11, 19, and 30, Wical discloses a method further comprising: sorting the one or more candidate documents according to the calculate scores (see column 7, lines 53-32, Wical).
3. Regarding Claims 3, 12, 20, and 31, Wical discloses a method further comprising: presenting a subscore for each search term having a weight criterion (see column 9, lines 8-20, Wical<sup>1</sup>).
4. Regarding Claims 4, 13, 21, 32, and 40, Wical discloses a method wherein the one or more weight criteria are selected from a location of the one or more search terms, a format of the one or more search terms, and a frequency count of the one or more search terms (see column 11, 16-23, Wical<sup>2</sup>).
5. Regarding Claim 5, 14, 33, and 39, Wical discloses a method wherein the one or more weight criteria require that the one or more search terms are located in a section selected from a header section, a caption section, an abstract section, a footnote section, a summary section, and a title section (see column 8, lines 20-30, Wical).
6. Regarding Claims 6, 7, 15, 16, 22, 23, 27, 28, 36, and 37, Wical discloses a method wherein the one or more weight criteria require that the one or more search terms have a different format than a common format of a paragraph containing the one or more search terms (see Fig. 10, 735, column 21, lines 23-37, Wical).

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<sup>1</sup> Examiner interprets the step of generating new set corresponds to subset, since both based on criteria calculation.

<sup>2</sup> Examiner interprets the number of times corresponds to frequency.

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7. Regarding Claims 8, 17, and 34, Wical discloses a method wherein the one or more weight criteria require that a search term be present in the candidate document at least a minimum number of times (see column 22, lines 46-57, Wical).

8. Regarding Claim 9, Wical discloses a method further comprising: sorting the one or more candidate documents according to weight criteria (see column 8, lines 1-7, Wical).

9. Regarding Claim 24, Wical discloses a system further comprising a database containing one or more candidate documents (see Fig. 1, 100, Wical).

10. Regarding Claim 25, Wical discloses a system further comprising a network connection with a client computer from which the search expression is received (see column 4, lines 47-53, Wical).

11. Regarding Claim 38, Wical discloses a method wherein the formatting attributes include a location of the one or more search terms within -the candidate document (see column 22, lines 23-27, Wical).

***Response to Amendment***

Applicant argues Wical does not provide for novel query syntax and content in the form of weight criteria and corresponding to user designated score modifier.

Examiner disagrees. Referring to column 5, lines 19-34, Wical discloses permitting the user modifying the classification based on information needed, which as disclosed in column 6, showing the steps of calculating and scoring the documents in themes and categories according to the document contents.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to : Sana Al-Hashemi whose telephone number is (703) 305-4881.

The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label

“PROPOSED” or “DRAFT”. Hand-delivered response should be brought to

Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
February 26, 2004

  
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